

November 29, 2011

Re: Massey Energy, et al. Case 9-CA-42057

Charles F. Donnelly, Esq.
United Mine Workers of America
Legal Department
1300 Kanawha Boulevard East
Charleston, WV 25325

Dear Mr. Donnelly:

This is in response to your November 21, 2011 letter regarding the status of the above-captioned case.

The Board is well aware of the keen interest of all parties that this case be decided as expeditiously as possible. Although I cannot at this time advise you when a decision will be forthcoming, I am hopeful that a decision will issue while the Board has a three-member quorum. I can assure you that every attempt is being made to do so. If you need any additional information, please contact me at (202) 273-3737.

Very truly yours,

/s/ Gary Shinners
Deputy Executive Secretary